

### **REMARKS**

The Office Action of July 7, 2004, has been considered by the Applicants. Applicants acknowledge the allowance of claims 16-37. Claims 6 and 7 have been amended. Claims 6-37 remain pending. Reconsideration of the Application is requested.

Claims 6-15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. According to the Examiner, claim 6 failed to make clear whether B-substituted thienylene units were present in the monomer and dependent claim 7 contradicted claim 6 in phrasing divalent linkage D as optional when claim 6 required it. Applicants traverse the rejections.

Claims 6 and 7 are definite. Claim 6 has been amended to recite that the polythiophene contains at least one of each segment (I) and (II). It is therefore clear that at least B-substituted thienylene unit is present in the monomer. Claim 7 has been amended to remove the words "when present" so it is clear that D is required. These amendments were not made for reasons of patentability, but rather to clarify the meaning of the claims. Withdrawal of the rejections for indefiniteness is requested.

Claims 6-8, 13, and 14 were rejected under 35 U.S.C. 102(e) as anticipated by US 6,429,040 to Bao et al. Applicants traverse the rejections.

Bao does not anticipate independent claim 6. Claim 6 requires at least one B-substituted thienylene unit (II), whereas Bao does not. The Examiner also appears to state that the divalent linkage D may be read as including Bao's thienylene unit B. Applicants submit that it is clear that divalent linkage D cannot comprise segment (I) or (II). If the claim were interpreted in this way, then the language requiring that the polythiophene monomer contain a divalent linkage D would be superfluous.

Regarding claims 7 and 8, the Examiner implies that D can contain a thienylene portion when he counts up to 10 carbons. This is inconsistent with the language of claims 7 and 8, which state that D is arylene, dioxyarene, alkylene, or dioxyalkane. D can only contain carbon, oxygen, and hydrogen. If D contains sulfur, as thienylene does, then it would not be within the scope of claims 7 and

8. For these reasons, Applicants request the rejections under § 102(e) be withdrawn.

Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as unpatentable over Bao. Applicants traverse the rejection. Claims 9 and 10 are dependent upon independent claim 6. As explained above, Bao does not disclose all of the claimed features of claim 6, so a *prima facie* case of obviousness has not been made against claim 6. If an independent claim is not obvious, then neither are its dependent claims. MPEP § 2143.03. Withdrawal of the rejections is requested.

Claims 11, 12, and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over Bao in view of Duthaler. Applicants traverse the rejection. Claim 11, 12, and 15 depend from claim 6. As explained above, Bao did not disclose all the claimed features of claim 6, specifically with regard to the chemical structure of the polythiophene. Duthaler does not teach the chemical structure of the polythiophene either. Therefore, not all claim limitations are taught and a *prima facie* case of obviousness has not been made against claim 6. If an independent claim is not obvious, then neither are its dependent claims. MPEP § 2143.03. Withdrawal of the rejections is requested.

### CONCLUSION

For the foregoing reasons, it is submitted that all pending claims (claims 6-37) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,  
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